

MT LEGISLATIVE HISTORY

Chapter 562 19 83

Bill H 826 S _____

Original bill & hist. C

H. Committee on Lab. & Emp. Rel.

S. Committee on Lab. & Emp. Rel.

Hearing Date(s) 2-19 C

Hearing Date(s) 3-22 C

 C

3-24 C

 C

 C

 C

 C

Date Out C

 C

Repr 2-19

Repr 3-24

Did this bill originate in an interim committee? Yes No

Committee

Report

LABOR AND
EMPLOYMENT RELATIONS COMMITTEE

48 Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 823	Gives the Dept. of Labor and Industry discretion in whether to initiate a civil suit to collect unemployment insurance contributions.	2/15	Addy	2/19	TABLE	2/19
HB 826	Provides for the establishment by the chief of police of the work period for police officers and other police dept. personnel.	2/15	Ellison	2/19	AND AS AMENDED DO PASS	2/19
HB 835	Requires railroads operating in Montana to provide first-aid training and equipment; communications equipment when hauling hazardous materials, etc.	2/15	Nilson	2/19	TABLE	2/19
HB 843	Authorizes employers and employees to participate in an unemployment insurance benefit-sharing program during times of general economic downturn.	2/15	Marks	2/19	TABLE	2/19
HB 850	Requires employers to disclose to employees and affected citizens the identity of health hazards of certain substances found in the workplace, etc.	2/15	Driscoll	2/19	AND AS AMENDED DO PASS	2/19
HB 899	Amends the appointment qualifications of members of the Board of Personnel Appeals to remove potentially unconstitutional appointment qualifications, etc.	3/4	Addy	3/8	AND AS AMENDED DO PASS	3/8

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE MINUTES
February 19, 1983

The House Labor and Employment Relations Committee convened at 7 a.m. on February 19, 1983 in Room 224K of the State Capitol with Chairman J. Melvin Williams presiding and with all members present except Rep. Hannah and Thoft, who were excused. Chairamn Williams opened the meeting to a hearing on HB 835.

HOUSE BILL 835

REPRESENTATIVE LES NILSON, District 37, chief sponsor, said the bill would require railroads to provide first aid training and equipment, communication equipment when hauling hazardous materials and have employee sanitation facilities on each train. But he said the bill is too close to the transmittal date to work out problems so he requested the bill be tabled.

Chairman Williams asked if there were any proponents present who wished to speak on the bill. Being none he closed the hearing on this bill and opened the hearing on HB 823.

HOUSE BILL 823

REPRESENTATIVE KELLY ADDY, District 62, chief sponsor, said there is a senate bill that covers the same area which has passed through that house so he requested the bill be tabled.

Chairman Williams asked if there were any proponents present who wished to speak on this bill. Being none, he closed the hearing on this bill and opened the hearing on HB 810.

HOUSE BILL 810

REPRESENTATIVE JOE HAMMOND, District 24, chief sponsor, said the people who requested the bill no longer want it so he asked that it be tabled.

Chairman Williams asked if there were any proponents present who wished to speak on the bill. Being none, he closed the hearing on this bill and opened the hearing on HB 826.

HOUSE BILL 826

REPRESENTATIVE ORVAL S. ELLISON, District 73, said this bill would allow the chief of police to set work periods other than established in the law.

AL BROCKWAY, Assistant Chief of Police of Helena, said they support the bill with two amendments. The two amendments were changing the word "shall" to "may" on page 1, line 12; and inserting the words "a minimum of" after "given" on page 1, line 20. He said the bill would give more flexibility in scheduling work weeks for police officers, would not add more hours per year nor less days off than the present law, and give bargaining units a chance to bargain for shifts.

R. NADIEN JENSEN, AFSCME, said with these amendments she becomes a proponent.

THOMAS SCHNEIDER, MPEA, said they had come in to oppose the bill and they are still not sure. He said he would like to see a direct reference for those who are covered by union contracts or will be that their work periods can be established in the collective bargaining agreement.

There were no opponents.

REPRESENTATIVE ELLISON closed.

Questions were asked by the committee. Rep. Driscoll asked if the police were covered under HB 281. Rep. Dozier said they were. John Scully was asked to respond and said they were covered but this bill does it in a different way. He felt it was best to go forward with both bills.

Chairman Williams closed the hearing on this bill and opened the meeting to a hearing on HB 850.

HOUSE BILL 850

REPRESENTATIVE JERRY DRISCOLL, District 69, chief sponsor said this is a right-to-know bill. He said it provides a mechanism for people in a workplace and citizens to know what kind of chemicals are being used in manufacturing and stored in the workplace. He had a suggested amendment on page 4, line 20, following "distribution" to insert "(11) "Store" means to deposit in one location in the state for over 72 hours."

JIM MURRY, Executive Secretary, Montana State AFL-CIO, spoke in strong support of the bill and a copy of his testimony is Exhibit 1 of the minutes.

HOWARD ROSENLEAF, Business Manager, Carpenters Local 88, Anaconda, spoke in support and a copy of his testimony is Exhibit 2 of the minutes.

SUSAN COTTINGHAM, Montana Environmental Information Center, spoke in support. She passed to the members a fact sheet on this bill, Exhibit 3, and discussed different points from this sheet.

STANDING COMMITTEE REPORT

February 19, 1983

MR. **SPEAKER:**

We, your committee on **LABOR AND EMPLOYMENT RELATIONS**

having had under consideration **HOUSE** Bill No. **826**

First reading copy (white)
color

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ESTABLISHMENT BY THE CHIEF OF POLICE OF THE WORK PERIOD FOR POLICE OFFICERS AND OTHER POLICE DEPARTMENT PERSONNEL; AMENDING SECTIONS 7-23-4118, 7-32-4119, AND 39-3-406, MCA."

Respectfully report as follows: That **HOUSE** Bill No. **826**

be amended as follows:

1. Page 1, line 12.

Strike: "shall"

Insert: "may"

2. Page 1, line 16.

Following: "compensation"

Insert: "; if the members of the department are represented by a collective bargaining unit, the work period must be established in the collective bargaining agreement"

3. Page 1, line 20.

Following: "given"

Insert: "a minimum of"

AND AS AMENDED
DO PASS

DO PASS

48th

LEGISLATIVE SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB #406	2/14/83	3/17/83	3/24/83						3/24/83
HB #455	2/14/83	3/15/83	3/19/83				3/19/83		
HB #525	2/16/83	3/8/83	3/15/83					3/15/83	
HB #554	2/16/83	3/8/83	3/10/83				3/10/83		
HB #568	2/16/83	3/10/83	3/12/83				3/12/83		
HB #603	3/1/83	3/19/83	3/19/83				3/19/83		
HB #623	2/16/83	3/10/83	3/12/83						3/12/83
HB #749	3/1/83	3/19/83	3/24/83					3/24/83	
HB #795	3/1/83	3/19/83	3/19/83				3/19/83		
HB #826	3/1/83	3/22/83	3/24/83					3/24/83	
HB #850	3/1/83	3/22/83	3/24/83						3/24/83

Use a separate sheet for Senate, House Bills, and Resolutions

Senator Goodover: Was that maximum amount under 35.7%?

Dave Hunter: That is correct.

Senator Goodover: There is an increase in collections.

Dave Hunter: We are talking about a plus or minus of possibly 5 million dollars.

Senator Keating: I have to have some information on these benefits.

Dave Hunter stated that every employee that makes \$8,200 per year is eligible for the maximum benefits. The taxable wage base is unrelated to what the person draws in benefits. They are based on that employee's wages.

Representative Harper made closing remarks in support of House Bill 174. The issue will boil down to--why are rates in other states so much lower?

Alaska has the highest -- \$14,600 for a wage base
Wyoming has -- \$ 6,000 for a wage base

The taxable wage base is the key. We are prepared to accept any relief you make. All wages should be covered.

He stated that the only way to get any fairness is to raise the taxable wage base.

Chairman Aklestad called the hearing closed on House Bill No. 174.

CONSIDERATION OF HOUSE BILL NO. 826:

Chairman Aklestad introduced Representative Orval Ellison, sponsor of House Bill No. 826, to the Committee, and Representative Ellison presented the bill to the Committee.

House Bill No. 826 is an act providing for establishment by the chief of police of the work period for police officers and other police department personnel.

Representative Ellison stated that this bill would enable the chief of police to set a work period other than the 40-hour week. It would be of benefit to the police department and employees if they could rotate their hours.

Representative Ellison stated that the amendment put on by the House may defeat the purpose of the bill. The work period must be established in the collective bargaining agreement if there is one.

PROPONENTS OF HOUSE BILL NO. 826:

Bill Ware, Police Chief of Helena, representing the Montana Chiefs of Police, stated that they support House Bill 826.

He would recommend deleting Page 1, lines 16-19 which reads:

"If the members of the department are represented by a collective bargaining unit, the work period must be established in the collective bargaining agreement."

He stated that the wording makes it mandatory that work period must be established in collective bargaining agreement. The city could end up in bad shape as well as an officer's safety by not enough manpower, etc.

Mr. Ware stated that without the above provision, he would support House Bill 826 until he had the opportunity to poll the other Chiefs in the state.

OPPONENTS OF HOUSE BILL NO. 826: None were present at the hearing.

QUESTIONS FROM THE COMMITTEE ON HOUSE BILL NO. 826:

Senator Blaylock asked if the chief of police must establish work period with collective bargaining unit.

Bill Ware: I would have to consult with my colleagues on that. I would not want to go on record right now.

Senator Lynch: What do they have in flexibility?

Bill Ware: It allows them to have flex shifts.

Representative Ellison made closing statements in support of House Bill 826, and stated that the bill does need some language clarification.

Chairman Aklestad stated that if Representative Ellison presented some other language the Committee would look at it.

Chairman Aklestad called the hearing closed on House Bill 826.

CONSIDERATION OF HOUSE BILL NO. 850:

Chairman Aklestad asked Representative Jerry Driscoll, sponsor of House Bill No. 850, to present the bill to the Committee.

House Bill No. 850 is an act to require employers to disclose to employees and affected citizens the identity and health hazards

ACTION ON HOUSE BILL NO. 174:

Senator Galt moved that House Bill No. 174 Be Not Concurred In. On a Roll Call Vote, the Committee voted 5-3 that HOUSE BILL NO. 174 BE NOT CONCURRED IN. The Roll Call Vote is attached.

ACTION ON HOUSE BILL NO. 406:

Senator Gage moved that House Bill No. 406 Be Not Concurred In. On a Roll Call Vote, the Committee voted unanimously that HOUSE BILL NO. 406 BE NOT CONCURRED IN. The Roll Call Vote is attached.

DISCUSSION OF HOUSE BILL NO. 749:

Senator Keating offered some proposed amendments to House Bill No. 749 to the Committee. These amendments are attached.
(Exhibit No. 1)

Senator Keating explained the proposed amendments to the Committee.

Senator Lynch stated that he was against the amendments, but the title should be amended, too.

A voice vote was taken on Senator Keating's first proposed amendment. The Committee voted to adopt the proposed amendment. The vote was 5-3 with Senators Blaylock, Lynch, and Manning voting "no".

A voice vote was taken on Senator Keating's second proposed amendment. The Committee voted 6-2 to adopt Senator Keating's second amendment. Those voting "no" were Senators Lynch and Aklestad.

ACTION ON HOUSE BILL NO. 749:

Senator Goodover moved that House Bill No. 749 Be Not Concurred In as Amended.

Senator Manning made a substitute motion that House Bill No. 749 Be Concurred In as Amended. On a Roll Call Vote, the Committee voted 7-1 that HOUSE BILL NO. 749 BE CONCURRED IN AS AMENDED. The Roll Call Vote is attached.

ACTION ON HOUSE BILL NO. 826:

Staff Attorney, John MacMaster, stated that there was a problem with some of the language in this bill.

Senator Galt moved to delete the capitalized language on page 1, lines 16 through 19. The motion passed. This took care of all problems the staff attorney had raised.

Senator Goodover moved that House Bill No. 826 Be Concurred In as Amended. On a Roll Call Vote, the Committee voted 5-3, that HOUSE BILL NO. 826 BE CONCURRED IN AS AMENDED. The Roll Call Vote is attached.

Senator Keating will carry House Bill No. 826 on the floor.

ACTION ON HOUSE BILL NO. 850:

Senator Keating moved that House Bill No. 850 Be Not Concurred In. On a Roll Call Vote, the Committee voted 5-3 that HOUSE BILL NO. 850 BE NOT CONCURRED IN. The Roll Call Vote is attached.

Senator Lynch requested that a Minority Report be submitted as well. This report is attached.

ACTION ON HOUSE BILL NO. 281:

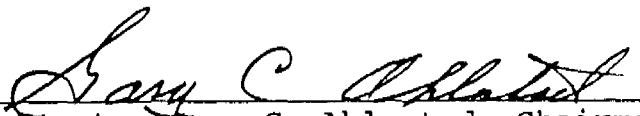
Senator Manning offered some amendments to House Bill 281. On a voice vote, the Committee voted unanimously to adopt Senator Manning's amendments. These amendments are attached.
(Exhibit No. 2)

Senator Goodover stated that the Committee had already adopted amendments to House Bill 281 offered by Mae Nan Ellingson. The amendments by Mae Nan Ellingson are attached. (Exhibit No. 3)

Senator Goodover moved that House Bill 281 Be Concurred In as Amended. On a Roll Call Vote, the Committee voted unanimously that HOUSE BILL NO. 281 BE CONCURRED IN AS AMENDED. The Roll Call Vote is attached.

Senator Manning will carry House Bill No. 281 on the floor.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 2:00 p.m.



Senator Gary C. Aklestad, Chairman

STANDING COMMITTEE REPORT

March 24, 19 83

MR.PRESIDENT:.....

We, your committee onLABOR & EMPLOYMENT RELATIONS.....

having had under considerationHOUSE..... Bill No.826.....

Ellison (Keating)

Respectfully report as follows: That.....HOUSE..... Bill No.826.....
third reading, be amended as follows:

Page 1, line 16.

Following: "compensation"

Strike: remainder of line 16 through "BARGAINING AGREEMENT" on line 19

And, as so amended
BE CONCURRED IN
~~DOXKXKX~~